COBBETT'S WEEKLY POLITICAL REGISTER.

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"That it is the RIGHT of the subject to petition the king.....And they" (the people of England) "do *claim, demand,* and *insist upon,* all and singular the premises" (the right of petitioning being only a part), "as their *undoubted* rights and liberties; and that no declarations, judgments, doings, or proceedings, "to the prejudice of the people in any of the said premises, ought in any wise to be drawn hereafter into "consequence or example."——Bill of Rights.

To the Freeholders and other Inhabitants of Hampshire.

Gentlemen,

It is with great pleasure, and with some degree of pride, that I have seen, in the public papers, a notification, that, on Wednesday, the 2d of November, a meeting of the Nobility, Gentry, Clergy, Freeholders and other Inhabitants of this county, is to be held at the city of Winchester, for the purpose of taking into consideration the propriety of a petition to the king for an inquiry into the causes of the Convention, lately entered into by our generals in Portugal. That this meeting will be well attended as to numbers, and that there will be present gentlemen able and willing to point out what ought to be done, there can be no doubt; but, as it appears to me, that a few previous remarks, with respect to the objects of the meeting, may tend towards producing unanimity, and thereby adding force to the decision, I beg leave to offer you my sentiments upon the subject.

Gentlemen, the sorrow and indignation at the Convention in Portugal have been, and are, more general than any feeling ever has been known to be in this country, within the memory of the oldest man living, with the sole exception, perhaps, of the sorrow which was felt at the death of Lord Nelson. That this sorrow and indignation were not founded in reason no one has attempted to shew us. There have been attempts made, amongst the parties concerned in the transaction, to shift the blame from one to the other; there have been attempts made to make us believe that the Convention was not altogether so bad as we thought it; but, there has been no man bold enough to stand forward and assert, that we were a nation of fools, who had all joined in condemning that which had in it nothing worthy of condemnation.

It is clear, then, that the thing itself, the deed which we so universally lament, is a proper subject of lamentation. It is clear, that our sorrow and our indignation are well founded. But, if these feelings of ours are to produce no effect upon the conduct of those who are invested with the care and superintendance of our rights and interests; if our feelings are to be stifled; if we have not the right, or, which is the same thing, if we are deterred from exercising the right, of demanding *justice* to be done upon those who have been the cause of what we complain of; if this be the case, there is nothing in our situation which distinguishes it from that of slaves. For, Gentlemen, what is the great characteristic of slavery? It is this; that though the slave feel loss and vexation, *he dares not openly complain.* We are in the daily habit of speaking of Buonaparte as a despot, and of the people of France as his slaves; and, in so doing, we are not, I am convinced, guilty of injustice, But, what are the *proofs*, which we possess, or pretend to possess, of the despotism of Buonaparte and of the slavery of the French people? What are these *proofs?* For, if we assert, without proof wherewith to support our assertions, we are guilty of falsehood; and falsehood is not less falsehood, merely because it is uttered against an enemy. What are these proofs, then? Not that he has no parliament, for he has a legislative assembly as well as we; not that, in his legislative assembly, his ministers have always a decided majority, for, you know well, that our king's ministers have the same; not that he can do what he pleases with his army, appointing, promoting, and cashiering the officers at his pleasure, for, you know, that our king has precisely the same power, and that, when, upon a late occasion, an attempt was made to abridge that power, that attempt was stigmatized as an attack upon the just prerogatives of the crown; not because the people of France are not represented in their legislative assembly, for, there are *elections* in France as well as in England, and, perhaps, it would be very difficult to prove, that between those elections and ours there is any material difference. Well, then, Gentlemen, what is the ground, upon which we charge the people of France with being slaves, and what is the proof which we possess of the fact? The ground is simply

this, that they *dare not go to their sovereign with complaints*; and, the only proof that we possess of this fact, is, that they *do not go to him with complaints*. If, therefore, we do not complain to the king, when it is notorious to the world, that we have so bitterly complained to one another, will not that world conclude, that we *dare* not complain; and, upon the same ground that we call the French people slaves, will not the world justly impute slavery to us? No matter what be the *cause*, by which we are restrained from complaining; whether it be the bayonet in the hands of a soldier, or the means of corruption in the hands of a minister; whether it be the dread of death from the hands of the executioner or from the cravings of hunger. The cause matters not, so that the *effect* be the same; so that we are slaves, it matters not whether we are held in slavery by the force of steel or by that of gold.

Those who wish to prevent the people from petitioning the king upon this occasion, tell us, that we are not competent judges of the matter, upon which we have taken it upon us to decide. That we are not all soldiers is certain, and that very few of us, comparatively speaking, would be able to conduct battles and sieges is obvious; but, all of us, who are not absolute ideots, know, that when an army is sent abroad at a vast expence, the people who pay that expence, have a right to expect some services from that army; we know, that when one army is double the force of another, and when the latter has been beaten by a third part of the force of the former, that it is reasonable to expect, that the weaker army ought, very soon, to become captives to the stronger. There does not require any military science to enable us to speak with confidence as to these points. If we must be generals, or admirals, in order to be able to form correct opinions, in every case relating to military and naval affairs, it is plain, that we must, in future, hold our tongues; and that we have nothing to do with such affairs, but to pay the expences attending them. Upon the same principle, we could never, with propriety, complain of any measure of the government, however disgraceful or oppressive it might be. If a treaty were made giving up the Isle of Wight to France, we might be told to hold our peace, seeing that we are not plenipotentiaries and secretaries of state; the chancellor of the exchequer might, upon the same principle, bid us be silent upon the subject of taxation; and so on, till we were reduced to the state of mere hewers of wood and drawers of water. In the present case, those who do pretend to understand military affairs have not attempted to defend the transaction of which we complain; while some of those persons, who are most active in opposition to our petitioning the king, have asserted, that one of the generals *protested* against the Convention. But, what are *their* opinions to us? It is sufficient, that the thing appears *to us* to be matter for complaint. That is all that is required to justify our complaining; unless we be content to see and hear only through the eyes and ears of those, who appear to think that they have a right to treat us as their slaves, merely because they wallow in luxury upon the fruit of our labour. When, but a very few months ago, it was thought useful to those in power to obtain addresses to the king *in praise* of his speech about Spain and Portugal, and of the military measures he intended to adopt with regard to those countries; *then* you were not thought to be quite so unfit judges of matters of this sort; then you were called upon to give your opinions of measures even before they had been put into execution. And now, by the very same persons, who then so called upon you, you are told that military operations and making Conventions are matters above your capacity. So that, though you are very good judges as long as you are disposed to *praise*, you are not fit to judge at all, when you are disposed to *condemn*; and, in short, you are to be well-broken dogs in the service of the ministers of the day, at whose command you are to dash on, come in, stand, back, give tongue, run mute, creep, cringe, or lie, dead as a stone, at their feet. This expedition to Portugal, the intention of undertaking which you were, by the agents of the ministers, called upon to praise, has cost England as much as the whole amount of one year's poor-rates; that it has done harm to England instead of good no man has the assurance to deny; and yet you are told, that you ought not to call for inquiry into the conduct of those who have caused all this injury, because you are not competent judges of the matter. This insolence may show you in what contempt you are held by the persons to whom I have so frequently alluded; and, if you now suffer yourselves to be bullied or wheedled into silence, you will convince the world that you are worthy of that contempt.

But, there is another objection to our petitioning the king, at this time, which objection is worthy of your particular notice, and, I trust you will think, of your marked reprobation. It is this: that,

since the promulgation of the king's answer to the city of London, any further petitions for inquiry are unnecessary, seeing that he therein declared his intention to institute an inquiry, after which further petitions, besides being useless, may seem to imply a doubt of his sincerity.——Gentlemen, the petition of the city of London was expressed in terms as humble as it is possible for any description of human creatures to make use of towards any earthly being; and the answer they received contained as sharp a rebuke as any king of England ever gave to his subjects. The king told them, that it was "inconsistent with the principles of "British justice to pronounce judgment "*without previous investigation*;" and that, "the interposition of the city of London "*could not be necessary* for inducing him "to direct due inquiry to be made."—— Now, Gentlemen, there was *no judgment* pronounced on any one by the petition ofthe poor cringing Londoners. They only prayed that an *inquiry* might be ordered; they said, what the whole nation had said, that the Convention was disgraceful and injurious to the country; they expressed their sorrow that so many English lives and so much English money should have been lost and expended in vain; and they humbly implored the king to institute an inquiry into the cause of such a calamity, and to bring the offenders to justice; but, they judged no one; they marked out no one for punishment; they pretended not to say, whether the blame lay with the ministers or the generals; they, with the rest of the nation, were convinced that blame lay somewhere, and they prayed, in a most humble style, that an inquiry might take place. Was there, in this, Gentlemen, any thing "inconsistent with *the principles of British justice?*" Why, is not this the mode of proceeding in all our courts? The man, who thinks himself aggrieved by another man, comes into court, in his own person or by his attorney, and demands that the alledged offender be put upon his trial. The demand cannot be refused; it often happens, that the party accused is found to be innocent; but, no one attempts to say, that the demand is inconsistent with the principles of British justice; no judge, when applied to for a warrant, a writ, an attachment, or citation, ever tells the plaintiff that he is come to "pronounce judgment." When any of us apply for a warrant or summons against a thief, or a poacher, we assert that the person has been guilty of thieving or poaching; yet, the justices never send us away with the rebuke, that we are "*pronouncing judgment without previ-*"*ous investigation.*" It would be an insult to your understandings to pursue the illustration; for there is not a man of you, who will not clearly perceive, that the application of the poor humble citizens of London was strictly consistent, not only with the principles of British justice, but, as nearly as the case would permit, with the forms of legal proceedings.——As to the *necessity* of this application, the king alluded to the trial of General Whitelocke, and told the poor citizens, that he should have hoped, that his conduct in *that* case would have convinced them, that their interposition was not necessary to induce him to institute inquiry in *this* case. But, Gentlemen, pray mark the distinction. In both cases the transaction was reprobated by the nation at large; in both cases the NATION complained of disgrace and inquiry; but, not so with the MINISTRY, who, in the former case, gave, at once, evident signs of their agreement in feeling and opinion with the nation; whereas, in the latter case, they gave signs as evident, that they disagreed in feeling and opinion with the nation, and that, though they might not openly justify the Convention, their intention was not to put upon their trial any of the persons, who had framed or ratified it. Upon the arrival of the intelligence, or, at least, when the intelligence could no longer be kept from the public, they made a short and equivocal communication of it to the Mayor of London; they caused the guns of the Park and Tower to be fired, which, as you well know, is the token of *joyful tidings;* they caused an illumination to be made at all the offices and buildings under their controul; they put us to the expence of candles, coloured lamps, and flambeaux, for the celebration of the event; and, in short, they did, upon this occasion, exhibit all those marks of joy that were by them exhibited at the intelligence of the battle of Trafalgar.——Well, then, Gentlemen, what similarity is there in the two cases? and, why were the poor citizens of London to be rebuked, because they seemed to suspect, that Wellesley and his associates would not be brought to trial, without a direct application of the people to the king? Were they, because Whitelocke was tried for an act which the ministers *openly lamented*, to conclude that Wellesley would be tried for an act at which these same ministers *openly rejoiced?* Poor creatures, how is it possible, that they could have drawn such a conclusion? There were, moreover, Gentlemen, other circumstances to justify this interpost-

tion on the part of the people. Whitelocke had the misfortune to commit his disgraceful act at a time when the ministry was composed of a new set of men, of men who were the political enemies of those who sent him out on his command; and the citizens of London, slavish as they have been for many many long and disgraceful years, had had opportunities enough of perceiving, that circumstances of this sort are not without their influence. They knew, besides, that the Convention-making generals were not only appointed by the present ministry, who, of course, were their political friends, but that one of them, he who led the way in the transaction that has filled us with indignation, was *one of the ministry*, one of his brothers another of the ministry, and that his family had, at least, twelve *fast* friends in the parliament. These were circumstances calculated to have great weight; and when the citizens of London perceived, that the ministers, in the Gazette Extraordinary, in which they gave us an account of the transactions in Portugal, published the *Armistice*, which was negociated and signed *by Wellesley*, in the *French* language only; when they perceived this, must they not have been convinced, that it was the resolution of the ministers to screen this general, at any rate, and that to screen him would be impossible, if either of the others were put upon their trial? Must not this have been evident to every man of common sense? Well, then, in this state of things, what do the citizens of London do? Why, they meet, and determine to appeal to the king; they say, we see that the ministers are disposed to withhold satisfaction from us for this great injury and disgrace, and therefore, as to the prime source of justice, we will apply to the king himself. They do this in language the most humble; their prayer is termed an unnecessary *interposition*; they are accused of acting *inconsistently with the principles of British justice*; and they are charged with *pronouncing judgment* previous to investigation, at the very moment when they pray for an investigation.

Now, Gentlemen, can you discover any thing in this transaction which ought to prevent *us* from petitioning the king for inquiry? We have all the original inducements that the citizens of London had; but, we are told, that, at any rate, the king has *now* declared that he will institute an inquiry, and that, therefore, to petition for that purpose now, would, besides being useless, seem to imply a doubt of his sincerity.—— Gentlemen, this doctrine is quite new. The answer given to the citizens of London has not been given to *us*. If we approve of what they did, it is our duty to do the same; or else, upon all other occasions, the whole nation is to look upon itself as being represented by the city of London; one petition and one answer will do for the whole; London will be the only part of the nation, whom any king or any minister, will have to manage; and the country at large, all the land and all its owners and all its cultivators, are, at once, sunk into complete insignificance. Not so, however, think the government agents, when they call for *praises* of the ministry. Then, as in the late instance, the more addresses the better. The city of London began last summer, and they had their answer; but, the addressing did not stop there. The counties and cities and boroughs, down to the boroughs of ten men, followed the example. Nobody told them that it was *unnecessary* to proceed; but, on the contrary, they were urged on, till there was not a single spot left, from which an address of praise had not been extracted.——Besides, Gentlemen, do you perceive, in the answer of the king to the citizens of London, any *assurance that he will cause an inquiry to be instituted?* The words are these: "I should have hoped, "that recent occurrences would have con- "vinced you, that I am at *all times* ready to "institute *inquiries* on occasions in which "the character of the country or the honour "of my arms is concerned, and that the in- "terposition of the city of London could "not be necessary for inducing me to di- "rect *due* inquiry to be made into a transac- "tion which has disappointed the hopes and "expectations of *the nation*." Now, Gentlemen, this is, you perceive, by no means a positive assurance that *any* inquiry shall take place; and, supposing it to amount to that, the word *due*, carefully qualifying the word *inquiry*, leaves, I think, little room to doubt, that the inquiry, if any, is not likely to be of that vigorous kind, which it is the wish of the nation to see take place.——The answer implies, that the king has been at *all times* ready to institute inquiries of the sort in contemplation. There was a convention at the *Helder*, by which *eight thousand French sailors* were released out of our prisons to go and fight against us; and, if any inquiry did take place upon that occasion, an occasion in which the character of the country and its arms was certainly concerned, it was of so secret and quiet a kind that the people never even heard of it; and, I take it, that this is not the sort of inquiry, which we now wish for. Besides, does it greatly encourage us to rely upon the advice that

the king will now receive, that we see, at the very same levee, where the Londoners are rebuked, *Sir Arthur Wellesley the first upon the list of persons graciously received by the king*; that we see that same general who signed the armistice, immediately after his return from court, set off for Ireland to resume his place and functions as a minister of the crown, and the chief minister, too, in that part of the kingdom; that we see Sir Harry Burrard, Sir Charles Cotton, Col. Murray, and all those who must necessarily be material witnesses, "left to keep the police at Lisbon"; do we, from these well known facts, derive any great encouragement to rely, to rest satisfied, to hold our tongues and remain quiet, in the assurance, that the king will be advised to institute such an inquiry as is likely to obtain us justice? Nay, Gentlemen, is it probable, is there the smallest probability, that those ministers, who made *public rejoicings* at the intelligence of the Convention, will advise the king to proceed to *the prosecution* of those, who were the authors, or the cause, of that Convention? You cannot believe, that this is probable; you can hardly believe that it is possible; the answer to the citizens of London alone must convince you of the contrary; and, therefore, if you wish to see justice done upon the authors of the Convention, you are called upon to endeavour, by a resolute exercise of your right of petitioning the king, to induce him to listen to his people, and to reject the advice which is so likely to be offered to him by his ministers.

Gentlemen; it is our lot to live in times, when we are daily called upon "to spend our last shilling, and to shed our last drop of blood, for the preservation of the *constitution*;" and, though this would be going very far, it being difficult to form an idea of any thing *much* worse than beggary followed by extermination, we should, I trust, if necessary, be ready to encounter the literal performance; but, then, we ought to be quite certain that we *have* this constitution. When the bigotted and besotted tyrant JAMES was driven from the throne of England, which he had surrounded with peculators and slaves, the nation, when they declared that another king should take his place, first declared what were *their own rights*, and, amongst these rights, was that of petitioning the king. This declaration, which makes part of an act of parliament, contains the matter of what we call the constitution. Every man; every individual person, in whatever rank or situation of life, has, according to the constitution of England, an unquestionable right to lay before the king a representation of what he or she deems to be a wrong, whether public or private. It is for the petitioner, or petitioners, *alone* to judge of the necessity, or propriety, of petitioning. There exists no where a right to punish them for petitioning. The right is absolute, and the people are to be the judges as to the time and the occasion of exercising it. Such, as far as relates to our present purpose, is the constitution of England, that constitution to preserve which we are called upon to spend our last shilling and to shed our last drop of blood.—— But, what do we now hear, from those, too, who are the most loud in calling upon us for such terrible sacrifices? What do they now tell us; "That the citizens of "London *sneaked* out of the presence of "their sovereign, whose dignity had re- "proved their *indecency* and rebuked their "*presumption*, and became a laughing- "stock." Well, we really deserve this language. We have so long submitted to be the tools, the sport, the slaves, of the minister of the day, that there is no insult which we do not merit at their hands, or the hands of their underlings. Then, again, we are asked: "do the people believe that their *old* king "is wanting in justice and integrity so "much, as to require a lecture upon both, "from every Burgh, City, and county in "the kingdom?" You will observe, Gentlemen, that when the object was to obtain addresses of *praise*, these same people had no objection to a lecture from every Burgh, City, and County in the kingdom. But, what is now become of this boasted *right of petition*, if it be proper to reprove and rebuke the petitioner, and to treat his petition as a presumptuous lecture? A *petition*, from the very meaning of the word, must contain *a prayer that something may be done*; a petition to the king must necessarily contain an expression of the petitioner's desire *that the king will do something*; and, therefore, if to express such a desire be indecent and presumptuous; if to express such a desire be to insinuate that the king is wanting in justice and integrity, it is evident, that there can be no petition free from the charge of such insinuation; and, of course, that the right of petitioning the king, as laid down and secured in the BILL OF RIGHTS, is, in fact, a right to remind the king of his want of justice and integrity. The truth is, that a *right*, in one man, implies the power of doing, without risk to person or property or character, certain acts which *may be disagreeable* to some other man; and a bill, or declaration, of *rights* would have been downright stupid stuff;

sheer nonsense; mere sham; unless the framers of it had supposed cases, in which the king might *differ* in opinion and views from the people; for, it is manifest, that unless such difference arise, the *rights* can never be brought into exercise. But, the opposers of petitioning upon the present occasion, whose arguments will, indeed, apply to all other occasions, would fain have us believe, that we have the right *only when we do not want to make use of it*; and yet, to preserve the constitution, of which the right of petition is a principal feature, these same persons call upon us to spend our last shilling and to shed the last drop of blood; aye, the last drop of our blood for rights, which according to their doctrine, we are never to exercise!

Gentlemen, *before* the answer was given to the city of London, there was but one object in petitioning the king; namely, to obtain a full and impartial developement of all the causes that led to the Convention in Portugal, and to produce the punishment due to its real authors. *Now*, there is this object, and, in addition, the more important object of asserting one of our principal rights; of convincing the ministry and the world, that we have not entirely given up all pretensions to the enjoyment of those political liberties, for the recovery and preservation of which our fathers wrote and fought with such admirable ability, perseverance, and courage. We are told "not to forget the feelings of "our *old* and venerable king." We do not; but, neither do we forget our own feelings, our own sacrifices, losses, and sufferings, and the hardships, which, by the deeds of which we complain, will be entailed upon our children's children. If we have had "forty-eight years of experience" of the king, the king has had forty-eight years experience of us; and never did king meet with subjects more generous, dutiful and patient. In what instance have we been refractory or niggardly? Has not our submissiveness been unbounded? Have we not poured out our all at his feet? And, shall we now be reproved and rebuked because we pray, that he will be pleased to order an inquiry into the conduct of those, who, in our opinion, have with the treasure and the blood of the country, purchased its lasting injury and disgrace? Expedition after expedition is fitted out; expence after expence is incurred; the treasury of the nation is thrown open, and her sons are shipped off in thousands; battles are won, rejoicings are heard; and, at every close, comes a dismal account of failure. All is in vain. We pay and hunger and labour and arm and fight, but the conclusion always is, that we have gained nothing solid, while he, who has sworn our destruction, keeps on his firm and steady pace of encroachment and of conquest.

In this way have we been proceeding for fifteen long and disgraceful years. The country is not so destitute of men of discernment as for these things, together with their causes and their necessary consequences, not to be clearly perceived; but, so enormous, so overbearing, are become the powers of seduction and corruption, and so completely have even good men been divided by faction, alarmed by craft, and awed by menaces of ruin, that at last, public spirit, though not quite extinguished, exists only in latent sparks in the bosoms of individuals, and is as useless as the fire in the flint buried under ground. Many are the occasions, even within these few years, when a spirit worthy of Englishmen has made its appearance; but, the moment it began to be perceived, forth has issued the demons of faction, with all their train of insinuations, calumnies, lies, and hypocrisy, 'till, in a short time, followed confusion, strife, and, finally, that, in which alone the guilty could hope for impunity, the *division of good men*. I would fain hope, Gentlemen, though I am aware that it is too sanguine a hope to entertain, that, upon the present occasion, no attempt will be made to render your feelings of indignation at this national injury subservient to the views of *faction*; for, much as I desire you to add your voice to that of others who have called for an inquiry, I would infinitely rather see you mute, than behold you the tools of selfish and ambitious men. It is not against the ministry that we have to petition; it is not for the purpose of putting one ministry out and another in, that we are about to meet; it is for the purpose of obtaining justice for a great national wrong and of securing ourselves and our children against that ruin, which, from the prevalent incapacity, or perfidy, of persons entrusted with our affairs, now so awfully threatens us. What is it to me, or to any of my neighbours, who enjoy the honours or the emoluments of office, so that we are ably and faithfully served? What a fool, what a contemptible thing, must that man be, who, having no selfish views, makes himself the tool of a party; gives up his understanding to others; sees with their eyes and hears with their ears; voluntarily abandons truth, impartiality, and integrity, or, at best, exchanges them for the honour of being designated by an appellation proceeding from the name of some detestably

impudent knave, who is, or has been, the leader of a party! The very existence of a knave implies the co-existence of a fool; but, it is the lot of this nation to see men of *sense* as well as worth become the instruments of knavery. The silly ambition of being thought to *belong to a party* has corrupted the hearts of thousands, and has made millions instrumental in their country's disgrace. From this supremely contemptible passion, I hope, Gentlemen, that you will prove yourselves to be free, and in that hope I remain

Your friend,

WM. COBBETT.

Botley, 27th Oct. 1808.

*** MAJOR HOGHAN's interesting pamphlet is, I see, working its way. It must work, and must lead to good. There are two other pamphlets, which I beg my readers to peruse: "A LETTER TO THE "KING, STATING THE INCOMES AND SER-"VICES OF THE ROYAL DUKES, &c. &c." And "A LETTER TO THE DUKE OF YORK, "RESPECTING SIR HEW DALRYMPLE." Oh! that all England could read this last-mentioned pamphlet! The author, Mr. THOMAS HAGUE, manfully puts his name to it. I did not think that so much boldness was to be found in the kingdom.

COBBETT'S
Parliamentary Debates.

The Eleventh Volume of the above Work, comprising the Period from the 11th of April to the close of the Session on the 4th of July, 1808, will be ready for delivery on Saturday next.

MAJOR CARTWRIGHT, ON THE AFFAIRS OF SPAIN.

Sir,—Praying a truce to personal compliment, let us as honest men continue our efforts in the cause of human freedom, persuaded that such efforts will in some way and at some time prove serviceable to mankind, although they should not immediately succeed. It has been well said, that he who causes two blades of grass to grow where only one grew before, is a benefactor to the public; and the same may doubtless be said of him who either produces or disseminates political truth. Although our observations shall at this time refer to the case of Spain, yet, as before observed, they may not be unserviceable to our own country, since the cause of liberty is now common to both; and the very same reforms, which are necessary to the salvation of the one, are no less necessary, although the necessity may not to the vulgar eye be quite so obvious, to the other.

That the present contest in Spain is not, as some had imagined, a mere war of priests and court nobles, who desire only to expel the French, as their rivals in despotism, that their own power and that of the crown may be restored in their full extent, as exercised prior to the late events, without any thought of recovering the national liberties, we have now, in the oath of the deputies, on opening the supreme national junta, no slight evidence That oath, if we may take it to mean what it says,—and I cannot have the slightest suspicion of the contrary—indeed, contains in it every thing which patriotism can wish. Knowing how passionately the people are devoted to the religion of their ancestors, as well as the opinion which, in that particular, they entertain of the French, the preservation of their religion is very properly made the first object of the oath. Conscious likewise of the strong attachment of the people to their native princes, of their universal detestation of the attempt to force on them a new dynasty, and the excess of indignation felt by all Spain at the perfidy of Buonaparte, and at his wickedness in making war upon them in a cause the most infamous, they would have been bad politicians had they not, independent of any sense of duty, concurred in the choice which the nation with one voice had made of Ferdinand VII. and in their predilection for a "succession in the reigning family;" that, whatever might befal Ferdinand and the rest who are in the power of the tyrant, there might be no want of an object around which the nation might rally.

Having very wisely laid these foundations of union and enthusiasm in defence of their country, they then shew their adherence to the family of their choice is to be no bar to whatever reformations of their government, and whatever future limitations of the regal power, experience may have shewn them to be necessary; for they bind themselves under the most solemn of all sanctions to the duties of patriotism. They swear that they "will promote the preservation of the rights and privileges, the laws and usages" of their country; "and finally, that they will promote every thing conducive to the general welfare and happiness of the kingdom, and the amelioration of its customs." After thus swearing, they farther pronounce on themselves a solemn imprecation, in case they shall not act up to what they have sworn; for, as a response to the officiating

prelate, who says: "If you do so, God be your helper; and if not, may he punish you, as one who has taken his holy name in vain," they, on their part, say "Amen."

In this most rational oath of allegiance, we are reminded of the ancient oath of the Arragonese, who in return for protection promised allegiance, "but if not, not." The present oath, however, is a happy improvement on that model; for the junta now expressly swear allegiance to the liberties of their country, as well as to their prince. While they promise to "defend their king, his rights and sovereignty," they also unequivocally swear to perform the duties of patriot reformers. Can the friends of human liberty and good government wish for more? And this oath, so different from the fabrications of statesmen under court influence, must, as I conceive, have been privately drawn up and agreed on by the members of the junta themselves; for it is not to be believed that any oath, of which they were previously ignorant, could have been proposed to them; nor was there in existence any power capable of dictating what they were not disposed to adopt. In this view of the matter, the excellence and value of this oath rise in our estimation; it is not an ordinary official oath, taken as a thing of course; it is not the invention of A, to be sworn to by B; but is an oath first drawn up, and then voluntarily taken by the same men; who, had they not been determined to have acquitted themselves as real reformers, would have put together a very different form of words. I shall conclude these observations on the oath of the Spanish junta, with an ardent wish that the English privy council, and members of both houses of parliament, would, by a like solemnity, bind themselves to the duties of state reformation.

This Spanish oath is in its own nature an invitation to discussions and communications on the science of government, for men who swear "they will promote every thing conducive to the general welfare and happiness of the kingdom, and the amelioration of its customs," do in fact, by the publication of their oath, seek the aid of such as are like-minded. Such statesmen are the last to arrogate to themselves omniscience, and ever the most ready to receive information. They are aware that he must have little knowledge of statesmen, who does not discover that the most accomplished among them frequently needs the aid of men of very inferior capacities and attainments; as the greatest warriors derive services essential to the prosecution of their designs from the men of detail on their staff, as well as even from commissaries, and such like.

When, indeed, we reflect on the disadvantages under which, ever since the reign of Philip the 2d, the science of government must have been studied in Spain, and the peculiar advantages which since the same era our own more fortunate country has comparatively enjoyed, it may reasonably be imagined, that the most enlightened patriots of Spain have already studied politics in the English school, and will cast a not unwilling eye on what may now issue from the English press, that shall be applicable to the work they have in hand. Should they not find themselves instructed, a sympathy of sentiment, and a desire to serve them must, at least, be causes of complacency, and cements of the alliance now subsisting between the two nations.

Having, Sir, in my late letters, touched on the fundamentals of a free and sound government, namely, the militia and a legislative representation, it is time we advert to the executive. In treating on this branch of a government, we shall have considerable prejudice to encounter. From causes too obvious to need specifying, we know that on this topic more than any other, not even excepting religion, pains have been taken to establish erroneous and even absurd creeds, and to fortify those creeds by mystery, bigotry, corruption, and terror. Hence the almost universal despotism of governments, and the infinity of human calamities of which that curse to our species is the immediate cause! But he who, in the extraordinary convulsions of our day, convulsions by which both hemispheres have been shaken, and by which Europe from one extremity to the other is at this moment violently agitated,—he, I say, who in these convulsions does not perceive political light breaking in upon the human mind, for correcting past error on the subject of executive government, must have little profited from experience or reflection.

That something radically unnatural, and in the highest degree adverse to the wholesome regimen which is necessary to the political health and happiness of nations, is to be found in their *executive governments*, is a broad fact to which all history bears testimony. But it is a fact of a more peculiar nature, that, on taking a survey of the reigning families in Europe within the last half century, it affords a sort of presumption, especially when coupled with the above-mentioned convulsions, that Providence has for some time past been preparing the human mind

for a salutary change of opinion on the subject of executive government. Nor have they been less instructed as to the necessity of such an improvement, from the actual disposal of thrones which those convulsions have already produced, and the means employed. We may therefore hope the time is drawing nigh, when, notwithstanding the efforts of even a Napoleon to keep alive an impious imposture, we shall hear no more of any thing mysterious about the office, or sacred * about the person, of any chief magistrate of whatever denomination; but that their commissions and their duties will everywhere become subjects of sober reasoning, and honest regulation, in like manner as those of all inferior officers, and thereby rendered subservient to the welfare of nations. It may contribute to this end if we establish correct ideas on the nature of *sovereignty*, the different species of which, although perpetually presenting themselves to our minds, we are not in the habit of distinguishing.

The word *sovereignty* has three separate significations; and although, for reasons sufficiently obvious, sovereignty is for the most part ascribed solely to the executive magistrate, yet, by a little attention to the nature of things, it will soon appear that the sovereignty of the chief magistrate, is the most inferior of the three species we designate by that term. It is observed by Locke that "there can be but *one* supreme power, to which all the rest are, and must be subservient; yet the legislative being only a fiduciary power, to act for certain ends, there remains still in the people a supreme power to remove or alter the legislative, when they find the legislative act contrary to the trust reposed in them"† Here, then, we see two of the three species of sovereignty; one active, the other, except in elections and on extraordinary occasions, quiescent; the one derivative, the other original; the one limited, the other by nature boundless; a fiduciary or vicarious sovereignty being conferred upon, and entrusted to, that legislative which the will and pleasure of the nation have created for its own service and benefit; while the only underived, absolute, or *proper* sovereignty is that which is, and must be, inherent in the people.

I say *proper* sovereignty, because it is in fact the only one which in strict propriety is entitled to that appellation; for in the nature of things there cannot be two supremes; the cause and the effect, the parent and the offspring, the fountain and the stream, cannot be one and the same, nor can we but understand which of these respectively is *first*. It is only through the poverty of human language that in our speech the three species of sovereignty have been confounded; as in practice it has also, to the misfortune of mankind, been generally found, that even the third, last, and inferior of the three, has monopolized all power. In this, I say, there is something radically unnatural: and when the order of political nature is subverted, we must not be surprised at the despotism and calamity with which human society is but too generally deluged. Had the science of government been as open to discussion as physic, astronomy, or chemistry, and had such rewards and honours awaited those who had therein enlarged the sphere of human knowledge by their discoveries, as the suffrages of mankind have conferred on a Harvey, a Newton, and a Davy, the condition of nations would ere now have been infinitely more happy than it is; and the activity and energies of mankind would have had a better direction than in mutual slaughter, for seating on thrones the pests of the human race. In the science of government the generality of nations are in the darkest ignorance, and even the generality of statesmen in mere infancy. Indeed, considering the comparatively small progress made in this science, which, by the way, is to mankind more important than any other (for religion, as a revelation from the Deity, I do not call a science) it would be presumptuous in any man to pretend to be a complete master; but still there are probably some few in different nations who have studied it abstractedly, and who might be able, if opportunities invited, to introduce valuable improvements.

It is not my intention to undervalue, but to make a right estimate of, the political knowledge of statesmen; and when we consider the general motives of action, and how little hope a real political reformer can entertain of ever being admitted into a political party, much less of arriving at state advancement, it will not perhaps be uncharitable to remark of statesmen, as Mr. Tooke, upon his trial in 1794, observed of the lawyers. As these, according to that gentleman, studied only those parts of the law, by which they were to shine in Westminster Hall and get their wealth; so the

* This word is objected to only when superstitiously or absurdly or servilely applied. From wrong or violence of every kind, every man's person is as sacred as that of any other. Inviolability of person, is a mere political invention, unconnected with any superstitious fancy.

† On Government, B. 2. C. 13.

others may, too generally, be thought to study only those parts of government and state policy, by which they are to make a figure in courts, camps, or senates, and work their way to high offices in the state. Under a government in a state of such purity and vigour, as to make patriotism of intrinsic value to the individual, by raising him to distinction, the science of government will be properly studied, for preserving the laws and liberties of the people, and advancing the true glory of the state; but when corruption has found its way into the legislature, and faction and favouritism are the high roads to power or to honour, to seats in a cabinet or the command of armies, all knowledge of the true principles and ends of government will go to decay, and statesmen become subtle and expert only in those parts of knowledge by which they can come in for a share of the power and spoil of their country; and a resistance of all reformation will become a conspicuous part of their policy.

But let us return to the affairs of Spain. Considering the condition of her government for nearly three centuries past, it would be miraculous, indeed, were her supreme junta composed of none but men, who by their previous studies, had completely qualified themselves for state reformers: but we may hope, that, in the present exigency, men in general of talents and integrity have been chosen; and we have grounds for believing that some among them are highly enlightened and of the most patriotic sentiments. It is to the influence of these eminent individuals, Spain must chiefly look for salvation. The Junta are to Spain, what the original Congress was to America, and the first National Assembly to France. To both, they may look back with advantage, and in the present temper of the Spanish mind we may safely conclude, they will have no great predeliction for improperly following French examples. Perhaps they may see a closer parallel to their own case, in the Convention Parliament of England, which had at once to supply a vacancy in the throne, occasioned by the abdication of James, and to restore the government by a substantial reformation, from despotism to constitutional freedom. But if that way they should cast their eyes, I trust they will not only review that boasted era in our annals, but likewise our subsequent history, and therein see what they have to avoid.

Although the junta has not in it the proper character, either of a legislature, or an executive power, yet, from the necessities of the case, and on the authority of the general voice in its favour, it must, pro tempore, assume the functions of both; and there should, seem to be nothing in the way of its proposing to the Spanish nation a constitution of great perfection. In proportion as, in that particular, it should aim at simplicity, it would probably succeed. Perhaps it would be advisable to confine its interference to that end, to three objects, namely, the militia, the legislature, and the executive power; leaving all else to be the work of subsequent legislation. As the immediate end of a *constitution* is to preserve the liberties of a nation, should those three powers be clearly defined in writing, adopted, and introduced in practice according to the written model, all that would be actually necessary as *the fundamentals of a constitution* should seem to be provided. It might still be highly expedient, as soon as the legislature should commence its functions, that a *declaration of rights*, after the manner of our Magna Charta and Bill of Rights, should, as the very first of its acts, and with peculiar solemnity, be passed as a *fundamental law*. Every means ought then to be adopted, by periodical readings in all courts of justice, places of worship, and seminaries of education; by the annual oaths of all legislators and magistrates; and other solemnities; that such *fundamental law* should be impressed upon the mind of the whole nation, that they might understand their political rights: nor ought such a *fundamental law* to be capable of the smallest alteration, by a decision of any less number than three-fourths of the legislature.

Possibly, Sir, many of your English readers may not at once perceive the sufficiency of such a constitution, as above-mentioned, for the security of a nation's liberties. Before they can accede to such an opinion, it will perhaps be necessary they should acquire correct ideas of what the militia, and the legislature of their own country, according to its genuine constitution, ought to be; as well as more constitutional notions of the proper office and powers of an English king, than are to be derived from the slavish doctrines introduced with the Bastard of Normandy, who, with no better title to the throne of England than Joseph Napoleon has to that of Spain, unhappily succeeded in establishing his dynasty, as well as in administering poisons to both our constitution and our law, from the effects of which they have not to this day wholly recovered. In addition to what I have already said in my letters which appeared in your Register of the 17th of Sept. and 1st of this month, on the subject of a militia, and have laid down

in the *Ægis*, let it be observed that were it possible in Spain to arm even a greater proportion of men than would be armed in England on restoring the proper English militia, or posse comitatus, it ought to be done. Some, and especially those who desire to see the arms of a state monopolized by a government, affect to see danger to the public peace in a nation's being armed in tranquil times. Now these sagacious persons should be called upon to say, what ought to be done for securing the public peace, provided no weapons of any kind had ever been invented. If, in consequence of weapons being known to mankind, a monopoly of them in the hands of a government ought to be established, and it were fit that 49 men of every 50, or 99 of every 100 should be disarmed; then it must follow, that if no kind of weapon had ever been invented, a like proportion, that is, 49 in every 50, or 99 in every 100, ought, in some way or other, to be crippled, or, at least, denied the use of a limb, by amputating a leg or an arm, to render them harmless. If Spain is to be with a high hand defended, and Europe delivered, such absurdities ought to be treated with scorn, and liberty and arms every where preached. Rightly understood, they are the political christianity by which alone nations can be politically saved.

We have only to go back to the times when the Saxons, Goths, and Vandals, established themselves in England and in Spain, to understand the simplicity of their system, and the perfect freedom of their government. "They followed the chieftain who led them forth in quest of new settlements, not by constraint, but from choice; not as soldiers whom he could order to march, but as volunteers who offered to accompany him. They considered their conquests as a common property, in which all had a title to share, as all had contributed to acquire them." * A whole nation, in its emigration, was *an army*; in its settlement, *a milltia*. It originally elected all its magistrates, not excepting the king. I cite not these things to prove a right to liberty, for that right is inherent in man; but to shew the simple means of its preservation. In a *nation* which is at the same time a rightly organized *militia*, there can be no tyranny. It is only as a people depart from the simplicity of nature, as they relax in attention to essentials, as they allow the eloquence of the ambitious to lay asleep their own common sense, and as false brethren, availing themselves of circumstances, first steal into permanent, then hereditary power, that tyranny by degrees gets established.

The warlike ancestors of the modern Europeans, not scientifically understanding the value of their own customs and institutions, were gradually robbed of them, one by one, by men who, instead of the thrones they ascended, ought, for the most part, to have been elevated on gibbets. The martial genius of the governments spoken of, very early degenerated in all parts of the continent into a feudal system; while for a few ages this curse was warded off from England by the unrivalled institutions of Alfred. His intuitive genius fully comprehending the excellence of the simple constitution of the Saxons, and his exalted virtue disposing him to perpetuate it, he was to the end of his life indefatigable in his endeavours thereto. His organization, for police and defence, of all men from 15 to 60 years of age, as a militia (afterwards called posse comitatus), as well as his exertions for perfecting the administration of justice, and preserving in full purity the trial by jury, would alone have immortalized his memory; which, however, is endeared to us by every other excellence that could enter into the composition of a man or a king. As the almost miraculous change, from ruin, anarchy and horrors, of every kind, to prosperity, order and happiness, which he effected, has placed him above all other legislators; and as the liberties he aimed to preserve were common to the Goths and Vandals who settled in Spain, as well as to our Saxon ancestors, the Spanish junta cannot do better than to follow such an example, while endeavouring to restore the prosperity of their country.

With respect to her future legislature, in which Spain, independent of the inherent right to freedom which is common to all men, inherits constitutional principles similar to our own, the same simplicity, if she would preserve her future government from corruption, and perpetuate as well her liberties as her martial renown, as respects a proper militia, ought to be strictly observed, in the constitution of her legislature. Justice requires that representation shall have all practical equality. The independence of representatives depends upon the freedom and purity of elections. To these ends, each elective body ought to be numerous, and the delegated power of short duration. To these securities, in my own judgment, it would be advantageous to add the ballot. I am aware of the common objections, which I allow to be weighty; but I think they are outweighed by the arguments on the other side.

Having proved that, in strictness of speech,

* Rob. Hist. Ch. V. I. 12.

the only proper sovereignty of a state is in the people, although, except in elections and on extraordinary occasions, it is quiescent, we are here more particularly called upon to support this doctrine, as well as to shew a most important principle thence resulting. Feeling, as I have elsewhere remarked, that a people *free* and not *sovereign* is a contradiction in terms, let it be asked, how it has happened that any free nation could ever lose sight of a principle so clear, as that of its own sovereignty?—In the pure democracies, as Athens for instance, where the people in their own persons made the laws, the principle never could for a moment be doubted. Are the English, then, (supposing them in the full enjoyment of their constitution) less free than the Athenians, merely because, by reason of the extent of their country, they make laws, not in person, but by deputation? This, however, has been the principal circumstance which has brought the people's sovereignty into doubt. That doubt was of course strengthened by the powers of the first magistrate for carrying all law into execution being visible to the vulgar eye, and, in our own country, the false notion of a proper sovereignty residing in the person of the chief magistrate, was but too prevalent, in consequence of the successful usurpations and the tyrannical pretensions of our Norman kings, and the servile gabble of lawyers who affected to derive not only all property, but human rights of every kind from the throne as the sole fountain; a conceit as absurd as it is detestable. I am aware, Sir, of the cavils which special pleading adversaries of our liberties may start against the doctrine of a proper sovereignty being inherent in the people, because of the share in making of our laws, which is enjoyed by the peers and the king; and shall not stop to say more than a few words in answer to this supposed objection. The peers, I presume, are a part of the nation, subject to the same general laws, and partaking of the same common liberties; the king himself is likewise subject to the law; and the share he holds in the government is the creature of the law. The exception, therefore, if there be one, is too insignificant to affect the great principle laid down. As to precedents; all precedents against the principles of justice and reason, or the rights of nature, are to be held in abhorrence or contempt, as their wickedness or their folly shall most predominate.

If, then, the proper sovereignty of every free state be necessarily inherent in the people, it will follow that the Spanish junta have been perfectly correct, and have manifested their wisdom as well as their virtue, in having in effect sworn, as I remarked, allegiance to the liberties of their country. It will also follow that here also ought pre-eminently to attach the pains and penalties against HIGH TREASON. "Treason," says Selden, "at first concerned matters "*acted* against the NATION; afterwards "it reached to matters *acted* against the "*king*; now it reacheth even to the very "thoughts and imaginations of the heart." Now, the people's sovereignty has two kinds of ordinary exercise, representative and personal; that is to say, in legislation and all other parliamentary proceedings *the people act* by their representatives, as an individual acts through his attorney or his steward; but in the election of those representatives their sovereignty is personally exercised. And as a nation's sovereignty and liberty are inseparable, even in idea, it is evident that, whether we contemplate an attempt to destroy one or the other, we must pronounce it, in the words of Lord Chief Justice Eyre, in 1794, "the greatest of all treasons." This sentiment was strongly felt by the holy junta of Spain, in their struggle against Charles V, near three centuries ago, when they made it an article in their celebrated Remonstrance, quoted in my last letter (Register Oct. 1) "that no member of the Cortes shall receive an office or pension from the king, either for himself or for any of his family, under pain of death, and confiscation of his goods;" for such conduct in a representative of the people they plainly considered as rank treason. And this in principle is closely allied to the law of Athens mentioned by Blackstone (I. 171) who says: "In a democracy there can be no exercise of sovereignty but by suffrage, which is the declaration of the people's will. In all democracies therefore it is of the utmost importance to regulate by whom, and in what manner, the suffrages are to be given. And the Athenians were so justly jealous of this prerogative, that a stranger, who interfered in the assemblies of the people, was punished by their laws with death; because such a man was esteemed guilty of HIGH TREASON, by usurping those rights of sovereignty, to which he had no title. In England, where the people do not debate in a collective body but by representation, the exercise of this sovereignty consists in the choice of representatives." The learned commentator is not here so correct as usual; for *the people*, who, he grants, *debate by representation*, and who of course *make laws by representation*, which is indisputably an act of sovereignty, are not in this passage

therein considered as exercising their sovereignty; which he seems to confine to mere election; whereas the exercise of that sovereignty is of two kinds, as already noticed.

One of the main causes of confusion in our ideas of sovereignty has arisen from an English chief magistrate having a share in legislation; whereas it by no means follows, that he who is appointed to execute the laws shall have any share in the making of them. According to my recollection, these functions are kept perfectly separate in the American States, whether viewed separately or in union.

This will probably be a serious question with the Spanish junta. Although they have not, indeed, in their oath used the word *liberty*, yet the least enlightened of that assembly must know, that without liberty the nation cannot enjoy its "rights," the preservation of which they have sworn to promote; neither without liberty, as equally evident, can "the general welfare and happiness of the kingdom" be promoted, and it makes part also of their oath to "promote every thing conducive" to those ends. Whatever modifications or limitations, therefore, of the executive authority they shall believe to be for the public good, they are indeed bound by their oath to adopt; and when we consider the person and the family to whom they have pledged themselves to adhere, and that, to say nothing of the despised Charles, Ferdinand and the two next in succession are in a captivity, from which they can never hope to see them released, we must suppose their choice to have been influenced, not by any want they had of their abilities, or their virtues; not by any necessity for hastily filling a vacant throne; but as in fact a matter of no other importance than its merely falling in with the ignorant prejudices of the multitude, who are not enlightened on the subject of civil liberty or in the science of government.

They know that, for the preservation of liberty, it is necessary that even the most limited king shall be incapable of acting by his own will, or otherwise than through ministers who are to be responsible for each of his political acts, except merely the choice of those agents; for, as it has been said before, it is not at all necessary that he should have any share in legislation; and perhaps the better opinion is, that in his person the two powers of making the law and executing the law should never meet. Montesquieu declares that "when the legislative and executive powers are united in "the same person, or in the same body of "magistrates, there can be no liberty." * But he afterwards maintains, not altogether consistently with this aphorism, "that the executive power ought to have a "share in the legislature by the power of "rejecting." But as he wrote under an absolute monarchy which he wished to ameliorate, and probably thought a panegyric on the government of England was going as far as was prudent; and as in this exception to his own general rule the people of English America, when they separated from the parent state, did not think proper to follow him, it remains for the Spanish patriots to decide for themselves.

It is also become a maxim, that the person of the executive magistrate shall be inviolable: but, unless it be accompanied with all the advantages of a true responsibility in the ministers of such magistrate, the people do not receive their equivalent for granting this extraordinary privilege, the contract is broken, and it is then a maxim of absurdity, and full of mischief. When ministerial responsibility is not practically experienced and certain, the inviolability of the magistrate becomes a snare to his innocence, tempting him to all sorts of chicane and corruption for unduly influencing the legislature, and for making the pretended responsibility of his minister a subject of his and their derision. This once accomplished, then, under forms the most sacred to freedom, a despotism the most absolute may be rivetted on the necks of a people. It is to be hoped, therefore, the Spanish reformers will exert their utmost vigilance to prevent so dreadful an evil, and prove to the world that they know how to encounter corrupt influence as well as arbitrary prerogative. An inviolable personage and one who is incapable of a public act beyond the appointment of his ministers who are to be the real responsible parties, is in a mysterious condition which puts one in mind of the Grand Lama of Thibet, and seems indeed bordering upon the state of an imaginary being. If the Spaniards shall act upon these ideas, and if their securities for a practice correspondent to such a theory can be rendered effectual, then indeed, whether a king of Spain shall be on a throne at Madrid, or captive in a French castle, will, as to affairs in Spain, make no essential difference. A council or junta of men who are to be responsible for their own advice and their own acts as executive ministers, may serve the turn; especially if a regent be placed at

* Spirit of Laws, B. 11. c. 6.

their head, for having a leading direction in affairs of state, and with authority of appointment and dismission, for keeping such council to their duty.

If, in the present state of things, the supreme junta should, in the first instance, appoint such a council, to consist of as many members as there are departments of state, and elect a regent, to hold his office until he might be confirmed or superseded by a national legislature; and should themselves exercise in the interim all the functions of such legislature, the happiest results might be expected. But ought a regent himself, who is to represent an absent king, to be in his person, like the king he represents, inviolable and unresponsible? Here is another delicate and perhaps difficult question. For overcoming this and all such difficulties, it is to be hoped the junta will begin their great work at the right end, and proceed according to the order of nature, doing completely what they do at all. Let them in the first instance organize a perfect militia. Then let them constitute a legislature on a model dictated by the principles of liberty. In ordering the elections of the people, they will then find the previous organization of the militia and the enrolments of the people to that end, if well contrived, of incalculable use towards a free choice of representatives, and attended with such dispatch and perfection, that the elections throughout all Spain may be completed at any time in six hours or less. Let them but carry into execution these fundamentals, and with the necessary foresight for the permanence of their work; then all difficulties touching an executive power will vanish, and they may easily make their kings inoffensive while they make inviolable, conditions which doubtless ought to go hand in hand.

But it may be worth their while to consider, whether a regency may not be now so modelled, as to make with advantage a permanent part of executive government, even when they may see a king of "the reigning "family" again seated on the throne; an event apparently at a considerable distance. The great, when placed in dignified and lucrative offices of any kind, are generally content with the trappings and the emoluments, while the real duties are done by their deputies. Even kings are very subject thus to administer a government in the person of a favourite; and with this disadvantage, that the deputy is not always selected for his honesty or fitness to govern. Possibly, therefore, when the *fundamentals* of the state should have been taken care of as suggested, it might prove no inconvenient practice, to have at all times an able deputy to an hereditary chief magistrate, chosen for a convenient term of years by the legislature, somewhat in the same manner as a president is elected by the federal legislature of America. While there should be no king, or during a king's illness, or minority, or infirmity of any kind, the regent could entirely supply his place; or if a king were present and capable of appearing, to him might be resigned the throne, the canopy, the regalia of every kind, with all the pride, pomp, and circumstance of royalty, while in the performance of all acts of state, he should be attended by his deputy, who should not only be the mouth-piece of his royal principal, but with *responsibility*. What the inconveniences of such a practice might be, I do not foresee; but various advantages are obvious. The defective education of hereditary princes, their vices or imbecilities would no longer, as it should seem, affect the destiny of nations, or entail on them the greatest calamities. In respect of talents and virtues, for beneficial government, the probability would be infinitely greater, that they should be found in a regent so to be elected, than in one born to a throne. The arguments against elective kings I know would be applied against such an elective regent; but until the objectors should shew me in the former constitution of Poland, or any other elective monarchy, *the same securities for a peaceful election, where real freedom was enjoyed, and where real merit was sure of a preference, as I shall be able to shew would be the case in the election now proposed,* I shall continue to think the suggestion deserves the serious consideration of the Spanish junta; who now have to act for a nation that has groaned under three centuries of hereditary despotism. And notwithstanding, Sir, your objections to Mr. Jefferson, I must needs think that the usual declamation against elective kingdoms has lost much of its force, since the sovereign of so great a country as North America has now so peaceably, and, upon the whole, so very beneficially, for above thirty years, been raised to supreme power by the suffrages of the people he was to govern; under a system which seems to exclude the possibility of placing the reins of government in the hands of a man without experience, an honourable character, and the reputation of ability.

I am Sir, your obedient servant,

J. CARTWRIGHT.

Enfield, Oct. 18, 1808.

EXPOSITION OF THE PRACTICES AND MACHINATIONS WHICH LED TO THE USUR-

PATION OF THE CROWN OF SPAIN, AND THE MEANS ADOPTED BY THE EMPEROR OF THE FRENCH TO CARRY IT INTO EXECUTION: BY DON PEDRO CEVALLOS, FIRST SECRETARY OF STATE AND DISPATCHES TO HIS CATHOLIC MAJESTY, FERDINAND VII (Continued from p. 672.)

Will your majesty permit me to remind you, that no alarm need have been given by troops entering as friends and allies, but on the contrary, that it ought to inspire additional confidence? Your majesty will likewise permit me to observe, that the orders given by your majesty, were for a journey with the royal family to Seville, and the troops were to keep open that road. There was no person who was not persuaded that this was for the transport of your majesty and the royal family to America. Your majesty also published a decree to quiet the minds of your subjects in this particular; but as all preparations were made, and it was manifestly seen, that the coast of Andalusia was to see the royal family assembled, despair took possession of the public mind, and the movement of Aranjuez was the consequence. The part I took in it your majesty knows, which was no other than by your command, to go to protect from the fury of the people the object of their hatred, because he was believed to be the proposer of the journey. —Let your majesty ask the emperor of the French, and his imperial majesty will no doubt tell you what he said to me in a letter that he wrote to me at Vittoria, viz. that the motive of his imperial and royal majesty was, to induce your majesty to make some reforms, and to separate from your person the prince of Peace, whose influence was the cause of every calamity.—The universal satisfaction that his arrest produced throughout the whole nation, is an evident proof of the truth of what the emperor declared. As to the rest, your majesty is the best witness that in the midst of the commotion at Aranjuez, not a word was whispered against your majesty, nor against the person of any one of the royal family; on the contrary, they applauded your majesty with the greatest demonstrations of joy, and professions of fidelity to your august person. On this account, the abdication of the throne which you made in my favour, surprized every body, and myself among the rest; for nobody expected it, or would have solicited it. Your majesty yourself communicated your abdication to all your ministers, enjoining them to acknowledge me as their natural lord and sovereign. You communicated it verbally to the diplomatic body, professing that your determination proceeded from your spontaneous will, and that you had before determined upon it. You yourself told it to your beloved brother, adding, at the same time, that the signature which your majesty had put to the decree of abdication, was the happiest transaction of your life; and finally, your majesty told me personally three days afterwards, that I should pay no attention to any assertion of the abdication being involuntary, inasmuch as it was, in every respect, free and spontaneous.—My supposed hatred to France in no respect appeared by my conduct: the contrary will appear by my actions, of which I will give a rapid narrative.—Your majesty had scarcely abdicated the crown in my favour, before I addressed various letters from Aranjuez to the emperor of the French, which are so many proofs that my principles, with respect to the relations of friendship and strict alliance happily subsisting between the two states, were the same that your majesty had inspired me with, and had yourself inviolably observed. My journey to Madrid was one of the strongest proofs that I could give to his imperial and royal majesty of the unlimited confidence I placed in him, since Prince Murat had entered Madrid the day before with a great part of his army, and the city being garrisoned, it was the same as if I had delivered myself into his hands. During two days of my residence in the capital, I was informed of the particular correspondence of your majesty with the emperor of the French, and I found that your majesty had recently solicited a princess of his family to connect me with it, and to insure more effectually in this way the near union and alliance which was to subsist between the two states. Accommodating myself entirely to these principles, and to the wish of your majesty, I wrote a letter to your majesty, requesting the princess in marriage.—I sent a deputation to Bayonne to compliment, in my name, his imperial and royal majesty. A short time afterwards, I induced my beloved brother, the Infant Don Carlos, to set off, that he might pay his respects to the emperor on the frontiers. Not content with this, I myself left Madrid, on the faith of the assurances given me by the ambassador of his imperial majesty, the grand duke of Berg, and general Savary, who had just arrived from Paris, and who intreated an audience to tell me on the part of the emperor, that his imperial majesty only expected of me to follow the system with regard to France which your majesty adopted; in which case, the emperor would acknowledge me as king of Spain and all the rest would be forgotten.—Full of re-

liance on these promises, and persuaded that I should be met by his imperial majesty, I arrived at this city; and on the same day that I arrived, verbal propositions were made to some of my attendants, quite different from those which had been before suggested. which neither my honour, my conscience, nor my duty would permit me to concur in, since the Cortes had sworn me to be their prince and lord; nor were they consistent with what I had lately sworn, when I accepted the crown that your majesty abdicated in my favour.—I cannot comprehend how any letters of mine could have come into the possession of the emperor which prove my hatred against France, since I have given so many proofs of my friendship towards him, and have written nothing to indicate such a disposition.—A copy of the protest had been lately shewn me, which your majesty made to the emperor, in the nullity of the abdication; and yet, when I arrived in this city, and asked you respecting it, you told me distinctly, that the abdication was voluntary, although not intended to be permanent. I asked you at the same time, why you did not apprize me of this before it was executed, and your majesty answered, that you did not choose it; from which may be inferred, that there was no violence used, at least not by me: it could not be known that your majesty intended to resume the reins of government: on the contrary, you told me, that you neither would reign, nor return into Spain.—In the letter that I had the honour to put into the hands of your majesty on this account, I signified my disposition to renounce the crown in your favour, when the Cortes should be convened; and if not convened, when the council and deputies of the kingdom should be assembled; not because I thought this was necessary to give effect to the renunciation, but because I thought it convenient to avoid injurious novelties, which frequently occasion divisions and contentions, and to have every thing attended to which respected your majesty's dignity, my own honour, and the tranquillity of the realm.—If your majesty should not choose to reign in person, I will govern in your royal name, or in my own; for nobody but myself can represent your person, possessing as I do, in my own favour, the decision of the laws, and the will of the people; nor can any other person have so much interest in their prosperity.—To your majesty, I repeat again, that in such circumstances, and under such conditions, I am ready to accompany your majesty to Spain, there to make my abdication in the form expressed. In respect to what your majesty has said of not wishing to return to Spain, with tears in my eyes I implore you, by all that is most sacred in heaven and earth, that in case you do not choose to reascend the throne, you will not leave a country so long known to you, in which you may choose a situation best suited to your injured health, and where you may enjoy greater comforts and tranquillity of mind than in any other.—Finally, I beg your majesty most affectionately, that you will seriously consider your situation, and that you will reflect on the evil of excluding our dynasty for ever from the throne of Spain, and substituting in its room the imperial family of France. This step we cannot take without the express consent of all the individuals who have, or may have, a right to the crown; much less without an equally expressed consent of the Spanish people assembled in Cortes in a place of security; and besides, being now in a foreign country, it would be impossible that we could persuade any one that we acted freely; and this consideration alone would annul whatever we might do, and might produce the most fatal consequences.—Before I conclude this letter, your majesty will permit me to say, that the counsellors, whom your majesty calls perfidious, have never advised me to derogate from the love, respect, and honour that I have always professed to your majesty, whose valuable life I pray God to preserve to a happy and good old age.—I cast myself at your majesty's royal feet, your most dutiful son,—FERDINAND.—Bayonne, May 4, 1808.

No. X.—*Letter from the King to his Father Charles IV.*

Venerable Father and Lord—I deposited in the royal hands of your majesty on the 1st current, the renunciation of the crown in your favour. I have believed it to be obligatory upon me to modify the renunciation by such conditions as were agreeable to the respect due to your majesty, to the tranquillity of my dominions, and to the preservation of my honour and character. It is not without great astonishment, that I have seen indignation produced in the royal mind of your majesty, by modifications dictated by prudence, and called for by the love that I bear to my subjects.

(To be continued.)

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